

State of Utah
Administrative Rule Analysis

NOTICE OF CHANGE IN PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R156-37	Time filed:	
Changed to Admin. Code Ref. (R no.):			

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	Laura Poe	801-530-6789	801-530-6511	lpoe@utah.gov

(Interested persons may inspect this administrative rule at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	Title of rule or section (catchline):	Utah Controlled Substances Act Rules		
3.	Type of notice: Change in Proposed Rule			
	Changes original proposed rule file no.:	31423		
4.	Purpose of the rule or reason for the change:			
	Following a public rule hearing and additional review by the Division and the State Board of Pharmacy, one additional change is being proposed in Section 609, paragraph (4) to delay implementation of the weekly reporting requirement to the Controlled Substance Database to October 1, 2008.			
5.	This change is a response to comments from the Administrative Rules Review Committee.			
	Yes ___; No XX			
6.	Summary of the rule change:			
	In Section 609, paragraph (4), the implementation date for weekly reporting to the Controlled Substance Database has been changed from July 15, 2008 to October 1, 2008.			
7.	Aggregate anticipated cost or savings to:			
	A) State budget:			
	No additional costs or savings are anticipated beyond those previously identified in the original rule filing.			
	B) Local government:			
	No additional costs or savings are anticipated beyond those previously identified in the original rule filing.			

	C) Small businesses (fewer than 50 employees) AND persons other than businesses:														
	No additional costs or savings are anticipated beyond those previously identified in the original rule filing.														
8.	Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency): No additional costs or savings are anticipated beyond those previously identified in the original rule filing.														
9.	Comments by the department head on the fiscal impact the rule may have on businesses: No fiscal impact to businesses is anticipated from this change to proposed rule, which merely provides an effective date to the weekly reporting requirement. Francine A. Giani, Executive Director														
10.	This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): Subsections 58-1-106(1)(a), 58-37-6(1)(a) and 58-37-7.5(7)														
11.	This rule adds, updates, or otherwise changes the following titles of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank): 														
12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i> . See Section 63-46a-5 and Rule R15-1 for more information.) A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy): 09/02/2008 B) A public hearing (optional) will be held: <table border="1" style="width:100%"> <tr> <td>on (mm/dd/yyyy):</td><td>at (time):</td><td>At (place):</td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>			on (mm/dd/yyyy):	at (time):	At (place):									
on (mm/dd/yyyy):	at (time):	At (place):													
13.	This rule change may become effective on (mm/dd/yyyy):		09/09/2008												
	NOTE: The date above is the date on which this rule MAY become effective. It is <i>NOT</i> the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.														
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")): <table border="1" style="width:100%"> <tr> <td>controlled substances</td><td>licensing</td></tr> <tr><td> </td><td> </td></tr> </table>			controlled substances	licensing										
controlled substances	licensing														
15.	Attach an RTF document containing the text of this rule change (filename):		R156-37.cpr												
To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.															
AGENCY AUTHORIZATION															
Agency head or designee, and title:		F. David Stanley, Director	Date (mm/dd/yyyy): 07/14/2008												

R156. Commerce, Occupational and Professional Licensing.

R156-37. Utah Controlled Substances Act Rules.

R156-37-609. Controlled Substance Database - Procedure and Format for Submission to the Database.

(1) In accordance with Subsections 58-37-7.5(6)(a), the format in which the information required under Section 58-37-7.5 shall be submitted to the administrator of the database is:

- (a) electronic data via telephone modem;
- (b) electronic data stored on floppy disk or compact disc (CD);
- (c) electronic data sent via electronic mail (e-mail) if encrypted and approved by the database manager;
- (d) electronic data sent via a secured internet transfer method, including but not limited to, FTP site transfer and HyperSend; or
- (e) any other electronic method preapproved by the database manager.

(2) The required information may be submitted on paper, if the pharmacy or pharmacy group submits a written request to the division and receives prior approval.

(3) The division will consider the following in granting the request:

(a) the pharmacy or pharmacy group has no computerized record keeping system upon which the data can be electronically recorded; or

(b) the pharmacy or pharmacy group is unable to conform its submissions to the format required by the database administrator without incurring undue financial hardship.

(4) As of ~~[July 15, 2008]~~October 1, 2008, each pharmacy or pharmacy group shall submit all data collected during the preceding seven days at least once per week. If the data is submitted by a single pharmacy entity, the data shall be submitted in chronological order according to the date each prescription was filled. If the data is submitted by a pharmacy group, the data is required to be sorted by individual pharmacy within the group, and the data of each individual pharmacy within the group is required to be submitted in chronological order according to the date each prescription was filled.

(5) The format for submission to the database shall be in accordance with uniform formatting developed by the American Society for Automation in Pharmacy system (ASAP). The division may approve alternative formats or adjustments to be consistent with database collection instruments and contain all necessary data elements.

(6) The pharmacist-in-charge of each reporting pharmacy shall submit a report on a form approved by the division including:

- (a) the pharmacy name;
- (b) NABP number;
- (c) the period of time covered by each submission of data;
- (d) the number of prescriptions in the submission;
- (e) the submitting pharmacist's signature attesting to the accuracy of the report; and
- (f) the date the submission was prepared.

KEY: controlled substances, licensing

Date of Enactment or Last Substantive Amendment: 2008

Notice of Continuation: March 15, 2007

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-37-6(1)(a); 58-37-7.5(7)